

UCT-A A07

Application No. 09/322,174

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: B. LANDA, et al.  
Serial Number: 09/322,174  
Filed: May 28, 1999  
For: TONER MATERIAL AND METHOD UTILIZING SAME  
Art Unit: 1753  
Examiner: GOODROW, J.

RECEIVED

JUL 10 2001

TC 17

Honorable Commissioner of Patents and Trademarks  
Washington DC 20231

## RESPONSE TO OFFICE ACTION

Sir:

Further to an office action dated February 27, 2001, the following is applicants' response:

## REMARKS

The application contains claims 54-76. Claims 59-60, 64, 68, 72 and 76 are withdrawn from consideration. Claims 54-58, 61-63, 65-67, 69-71 and 73-75 are apparently rejected under 35 U.S.C. §103(a) as being unpatentable over Chou, et al ('362) in view of Ray, et al.. While the rejection states that the rejection is over Chow, applicants believe that this is an error, since no patent by Chow is cited in this case.

Applicants respectfully traverse the rejection of the claims over Chou in view of Ray.

Applicants submit that the present rejection (as the previous one) does not constitute a *prima facie* case of unpatentability. In particular, claim 54 contains the limitation that the "flakes of metal are dispersed in the polymer" of the toner particles. Neither prior art reference nor the combination teaches such toner particles. In fact, both of the prior art references are aimed at providing a metalized toner image and both avoid the claimed toner.

Chou describes a liquid toner composition containing the following:

- (a) electrostatically charged, *colloidal* elemental metal particles dispersed in a carrier liquid (col. 2, lines 53-57);
- (b) a soluble surfactant in sufficient concentration to charge and stabilize the colloidal metal dispersion (col. 2, lines 57-59); and
- (c) an effective amount of organosol particles and/or at least one soluble polymer that is not a soluble surfactant. (col. 2, lines 59-61).